



OLR RESEARCH REPORT

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STATES THAT BAN THE SALE OR POSSESSION OF SHARK FINS

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You asked if Connecticut or any state bans the sale or possession of shark fins.

SUMMARY

It is legal to sell or possess shark fins in Connecticut if the fins do not come from a list of prohibited sharks. Some states have specifically banned the sale, distribution, or possession of shark fins, while allowing exceptions for educational, scientific, or other purposes. Penalties for violations of shark fin prohibitions in each of these states range from infractions to misdemeanors and felonies, and can result in fines or prison time.

CONNECTICUT LAW

No state law or regulation prohibits the sale of shark fins. A prohibition against possessing or selling certain species of sharks in Connecticut has the effect of banning the sale of the fins from those sharks. Conversely, shark fins can be sold or possessed legally if the fins are from non-prohibited sharks (e.g., land smooth dogfish sharks).

Under state regulations, no one can (1) take from Connecticut waters or (2) “possess, sell, exchange, or offer for sale or exchange in Connecticut regardless of where it was taken” any of the below listed sharks. Because these regulations apply to the entire shark, the sale or

possession of any part of them, including their fins, is effectively prohibited. If any of these sharks is caught, it must be immediately returned, without avoidable injury, to the waters from which it was taken (Conn. Agencies Regs., § 26-159a-1(e)).

1. Atlantic angel (*Squatina dumerili*);
2. Basking (*Cetorhinus maximus*);
3. Bigeye sand tiger (*Odontaspis noronhai*);
4. Bigeye sixgill (*Hexanchus vitulus*);
5. Bigeye thresher (*Alopias superciliosus*);
6. Bignose (*Carcharhinus altimus*);
7. Caribbean reef (*Carcharhinus perezi*);
8. Caribbean sharpnose (*Rhizoprionodon porosus*);
9. Dusky (*Carcharhinus obscurus*);
10. Galapagos (*Carcharhinus galapagensis*);
11. Longfin mako (*Isurus paucus*);
12. Narrowtooth (*Carcharhinus brachyurus*);
13. Night (*Carcharhinus signatus*);
14. Sand tiger (*Odontaspis taurus*);
15. Sevengill (*Heptranchias perlo*);
16. Sixgill (*Hexanchus griseus*);
17. Smalltail (*Carcharhinus porosus*);
18. Whale (*Rhincodon typus*);
19. White (*Carcharodon carcharias*); and
20. Sharks listed in federal regulation 50 CFR 635, Subpart F Appendix A, Table 1 D – Prohibited Sharks.

A violation of this regulation is an infraction, and could result in a \$75 fine ([CGS § 26-159a](#); State of Connecticut Judicial Branch, *Mail-in Violations and Infractions Schedule Penalties*, <http://www.jud.ct.gov/Publications/Infractions/infractions.pdf>).

OTHER STATES

Some states have taken specific steps to ban shark fins. At least five (California, Hawaii, Illinois, Oregon, and Washington) prohibit the possession or sale of shark fins, although some provide exceptions for educational, scientific, or other purposes.

California

California prohibits the possession, sale, offer for sale, trade, or distribution of a shark fin, except in certain circumstances. State law allows for the following exceptions:

- Possession of shark fins is allowed if the person possessing it has a state-issued license or permit to take or land sharks for scientific, educational, or propagation purposes;
- Possession of shark fins, or donation to a person with the above-referenced license or permit, is allowed if the possessor has a license or permit to take or land sharks for recreational or commercial purposes;
- The prohibition does not apply until July 1, 2013 to anyone who possessed or sold shark fins as of January 1, 2012; and,
- The law allows for the sale or possession of a shark carcass, skin, or fin for taxidermy purposes. (Cal. Fish & Game Code §§ 2021 and 2021.5).

A violation is a misdemeanor, and is punishable by a fine of up to \$1,000, imprisonment of up to 6 months, or both (Cal. Fish & Game Code §§ 12000 and 12002).

Hawaii

In Hawaii, it is unlawful for anyone to “possess, sell, offer for sale, trade, or distribute shark fins.” An exception is allowed for someone holding a license or permit issued by the Department of Land and Natural Resources to “conduct research” or for “educational purposes.”

Penalties include fines of (1) \$5,000 to \$15,000 for a first offense, (2) up to \$35,000 for a second offense, and (3) up to \$50,000 plus possible prison time for a third offense (Haw. Rev. Stat. § 188-40.7).

Illinois

Illinois prohibits the possession, sale, offer for sale, trade, or distribution of a shark fin. If someone possessed a shark fin on January 1, 2013, he or she has until July 1, 2013 before the prohibition applies to that fin (IL ST CH 515 § 5/5-30). Penalties depend on the value of the entire shark from which the fin was obtained, as shown in Table 1.

TABLE 1: ILLINOIS PENALTIES

Class A misdemeanor	Violation where shark valued at less than \$300
Class 4 felony	Multiple violations within 90 day period, each violation valued at less than \$300 but total of all violations valued at more than \$300
Class 3 felony	Violation where shark valued at more than \$300

(IL ST CH 515 § 5/5-25).

Oregon

Oregon generally prohibits the possession, sale, offer for sale, trade, or distribution of a shark fin. The prohibition does not apply to:

1. a fin from a “spiny dogfish” shark that was legally taken or landed under state rules and federal regulations,
2. someone holding a license or permit to take a shark issued by the State Department of Fish and Wildlife under the commercial fishing laws, or
3. a fish processor holding a license under the commercial fishing laws who possesses and processes a shark obtained legally (Or. Rev. Stat. §§ 498.257 and 509.160).

A violation is a class A misdemeanor, and a first conviction can result in a fine of up to \$2,500 (Or. Rev. Stat. § 506.991).

Washington

Washington generally prohibits the “unlawful trade in shark fins,” although possession alone is allowed. But the law allows trading:

1. for those doing so “exclusively for bona fide research or educational purposes,” provided that person has a state-issued permit or license for such purposes and
2. for “commercial purposes,” including the preparation or processing of fins for human or animal consumption, if the fins were lawfully harvested or acquired before July 22, 2011.

The penalties differ based on the severity of violation, as shown in Table 2.

TABLE 2: WASHINGTON PENALTIES

<i>Second Degree Unlawful Trade in Shark Fins (gross misdemeanor):</i>	<i>First Degree Unlawful Trade in Shark Fins (class C felony):</i>
Sale, purchase, offer for sale or to purchase, or exchange of a shark fin or shark fin derivative produced for commercial purposes	Any second degree violation that involves shark fin or shark fin derivative product with total market value of \$250 or more
Preparation or processing of a shark fin or shark fin derivative product for human or animal consumption for commercial purposes	Any second degree violation where the person acted with knowledge that the shark fin product originated from a shark that was harvested in an area or at a time where the harvest was not legally allowed or by a person not licensed to harvest the shark
	Any second degree violation where the violation occurs within five years of entry of a prior conviction under the law or for any other gross misdemeanor or felony involving fish (excluding recreational fishing violations)

(Wash. Rev. Code §§ 77.15.770 and 77.08.010).

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